



# City of NORFOLK

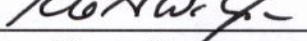
C: Dir., Department of City Planning

To the Honorable Council  
City of Norfolk, Virginia

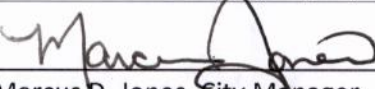
September 15, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception to operate an automobile and truck repair facility at 3345 North Military Highway – Bud's Used Tires and Brake Services**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:   
Marcus D. Jones, City Manager

Item Number: **R-1**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **4 to 2**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – automobile and truck repair.
- IV. **Applicant:** Cecil Cook
- V. **Description:**
  - This request would allow an existing automobile and truck repair business, Bud's Used Tires and Brake Services, to relocate their business to a new site.
  - The new site is on property previously occupied by Triangle Rent-A-Car.
  - The applicant proposes to construct a new auto service building in the rear portion of the property.
  - This application includes numerous improvements to the site, including removal of a large non-conforming sign, removal of all barbed wire, repair and relocation of the perimeter fencing, and installation of landscape buffering to screen the parking.
  - The site improvements will also undergo the Site Plan Review process, which will ensure appropriate landscaping and stormwater improvements are installed throughout the site.

	Proposed
Hours of Operation	8:00 a.m. until 6:00 p.m., Monday through Saturday 9:00 a.m. until 4:00 p.m., Sunday

Staff point of contact: Chris Whitney at 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated August 27, 2015 with attachments
- Proponents and Opponents
- Ordinance



# City of NORFOLK

## Planning Commission Public Hearing: **August 27, 2015**

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Whitney, CFM

Staff Report	Item No. 8	
Address	3345 North Military Highway	
Applicant	Bud's Used Tires and Brake Services	
Request	Special Exception	Automobile and Truck Repair
Property Owner	Ken and Judie Elder	
Site Characteristics	Site/Building Area	24,214 sq. ft./6,365 sq. ft.
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Idlewood/Sandy Heights
	Character District	Suburban
Surrounding Area	North	C-2: Mystic Moon
	East	C-2: Bud's Used Tires and Brake Services (current location)
	South	C-2: EconoLodge
	West	I-1 (Limited Industrial): Hertz auto storage yard





#### A. Summary of Request

- This request would allow an existing automobile and truck repair business, Bud's Used Tires and Brake Services, to relocate their business to a new site.
- The new site would be located directly across from their current site on North Military Highway, on property previously occupied by Triangle Rent-A-Car.
- The applicant proposes to construct a new auto service building in the rear portion of the property.

#### B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The *Comprehensive Plan for the Military Highway Corridor District* calls for the installation of landscape treatments along the corridor to upgrade its image and appearance.
  - The plan recommends the installation of street trees or similar landscaping along the North Military Highway frontage.
- To be fully consistent with *plaNorfolk2030*, the special exception should be conditioned to require the installation of street trees or similar landscaping along the North Military Highway frontage.

#### C. Zoning Analysis

##### i. General

- The use is permitted in the C-2 district by special exception.

	Proposed
Hours of Operation	8:00 a.m. until 6:00 p.m., Monday through Saturday 9:00 a.m. until 4:00 p.m., Sunday

##### ii. Parking

- The required parking for an automobile and truck repair facility in the Suburban Character District is based upon the number of service bays (three parking spaces per bay).
  - Given the proposed auto service building will have four bays, the new auto repair use will be required to accommodate 12 parking spaces.
  - Sufficient parking is proposed on site (18 spaces) to support the proposed use.

##### iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low risk flood zone.

#### **D. Transportation Impacts**

Institute of Transportation Engineers (ITE) figures estimate this automotive use will generate 71 new vehicle trips per day.

#### **E. Impact on the Environment**

- The site improvements as proposed will be required to undergo the Site Plan Review process, which will ensure appropriate landscaping and stormwater improvements are installed throughout the site.
- The applicant proposes to install a six-foot-wide landscaping buffer between the parking lot and the western property line and a nine-foot-wide landscaping buffer between the parking lot and the eastern property line.
- In addition, a new landscape island will be installed between the parking lot and the frontage along North Military Highway.
- There have been no calls for police service or crime reports at this location over the past year.

#### **F. Impact on Surrounding Area/Site**

- The site is located just south of the intersection of North Military Highway and Lynn Street near the Idlewood/Sandy Heights neighborhood.
  - It is surrounded by commercial and industrial uses.
- By requiring this use to conform to the conditions listed below, the proposed automobile and truck repair facility should not have a negative effect on the surrounding area.

#### **G. Payment of Taxes**

The owner of the property is current on all real estate taxes.

#### **H. Civic League**

- Notice was sent to the Idlewood/Sandy Heights Civic League on July 15.
- The civic league has indicated that it has no interest in this application, as well as the general area in which the site is located (west of North Military Highway).
  - Therefore, they have asked the City to remove this area from their boundaries.

#### **I. Community Outreach/Notification**

- Legal notice was posted on the property on July 14.
- Letters were mailed to all property owners within 300 feet of the property on August 14.
- Legal notification was placed in *The Virginian-Pilot* on August 13 and August 20.

#### **J. Recommendation**

Staff recommends that the request for a special exception to operate an automobile and truck repair facility be **approved** subject to the conditions listed below:



- (a) The hours of operation for the facility shall be from 8:00 a.m. until 6:00 p.m., Monday through Saturday and from 9:00 a.m. until 4:00 p.m., Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) The site shall be generally designed in accordance with the conceptual site plan prepared by Martin Engineering Civil Solutions, dated August 7, 2015, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (c) Landscaping shall be provided in accordance with the attached site plan, marked "Exhibit A," showing a landscape planting area at least six (6) feet in width between the parking lot and abutting property lines and a landscape area at least ten (10) feet in depth (exclusive of sidewalks and or other walkways) between the parking lot and the property line along North Military Highway, subject to any required revisions made during the City's Site Plan Review and building permit plan review processes.
- (d) Street trees or similar landscaping shall be installed along the North Military Highway frontage.
- (e) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the *Zoning Ordinance of the City of Norfolk, 1992* (as amended). The landscaping shall be maintained at all times.
- (f) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (g) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (h) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.
- (i) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

- (j) All nonconforming fences and signs on the site shall be removed.
- (k) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (l) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.
- (m) The parking lot shall be striped in accordance with attached site plan, subject to any revisions required by the City to be made during the Site Plan Review process.
- (n) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (o) All repair work shall be done inside the building. No repair work may take place outside.
- (p) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.
- (q) All bollards on the site shall be painted and maintained free of visible corrosion.
- (r) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the existing and proposed buildings.
- (s) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (t) The property shall be kept in a clean and sanitary condition at all times.
- (u) The establishment shall maintain a current, active business license at all times while in operation.
- (v) No business license shall be issued until conditions (b), (c), (d), (e), (i), (j), (k), (m), (q), and (r) have all been implemented fully on the site.

**Attachments**

Location Map  
Zoning Map  
1000' radii map of similar automobile establishments  
Application  
Conceptual Site Plan  
Notice to the Idlewood/Sandy Heights Civic League

## **Proponents and Opponents**

### **Proponents**

Cecil Cook – Applicant  
8008 Ardmore Road  
Norfolk, VA 23518

Brad Martin  
1060 Lynnhaven Parkway, Suite 111  
Virginia Beach, VA 23454

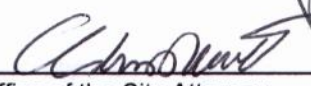
Warren Sachs  
125 86<sup>th</sup> Street  
Virginia Beach, VA 23451

### **Opponents**

None



Form and Correctness Approved

By   
Office of the City Attorney

Contents Approved: CW

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTOMOBILE AND TRUCK REPAIR FACILITY NAMED "BUD'S USED TIRES AND BRAKE SERVICES" ON PROPERTY LOCATED AT 3345 NORTH MILITARY HIGHWAY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile and Truck Repair facility named "Bud's Used Tires and Brake Services" on property located at 3345 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 100 feet, more or less, along the western line of North Military Highway beginning 75 feet, more or less, from the southern line of Lynn Street and extending southwardly; premises numbered 3345 North Military Highway.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be from 8:00 a.m. until 6:00 p.m., Monday through Saturday and from 9:00 a.m. until 4:00 p.m. on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) The site shall be improved in accordance with the conceptual site plan prepared by American Engineering Associates - Southeast, dated August 7, 2015, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (c) Landscaping shall be provided in accordance with the attached conceptual site plan, attached as



"Exhibit A," and shall include both a landscape planting area at least six (6) feet in width between the parking lot and abutting properties to the north and south and a landscape area at least ten (10) feet in width (exclusive of sidewalks and or other walkways) between the parking lot and the eastern property line abutting North Military Highway, subject to any revisions required by the City during the Site Plan Review and building permit plan review processes.

- (d) Street trees or similar landscaping approved by the Department of Recreation Parks and Open Space shall be installed along that portion of the lot abutting North Military Highway.
- (e) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The landscaping shall be maintained at all times.
- (f) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (g) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (h) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.
- (i) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing

the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

- (j) All nonconforming fences and signs on the site shall be removed.
- (k) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (l) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.
- (m) No vehicle associated with this facility shall be parked or displayed in any public right-of way, on any unimproved surface, or within any sight distance triangle.
- (n) The parking lot shall be striped in accordance with the conceptual site plan, attached as "Exhibit A," subject to any revisions required by the City during the Site Plan Review and building permit plan review processes.
- (o) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (p) All repair work shall be done inside the building. No repair work may take place outside.
- (q) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.
- (r) All bollards on the site shall be painted and maintained free of visible corrosion.
- (s) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the existing and



proposed buildings.

- (t) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter and refuse.
- (u) The property shall be kept in a clean and sanitary condition at all times.
- (v) The establishment shall maintain a current, active business license at all times while in operation.
- (w) No business license shall be issued until conditions (b), (c), (d), (e), (i), (j), (k), (n), (r), and (s) have all been implemented fully and completely.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to

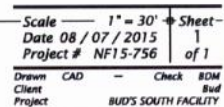
interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:  
Exhibit A (1 page)







**Location Map**



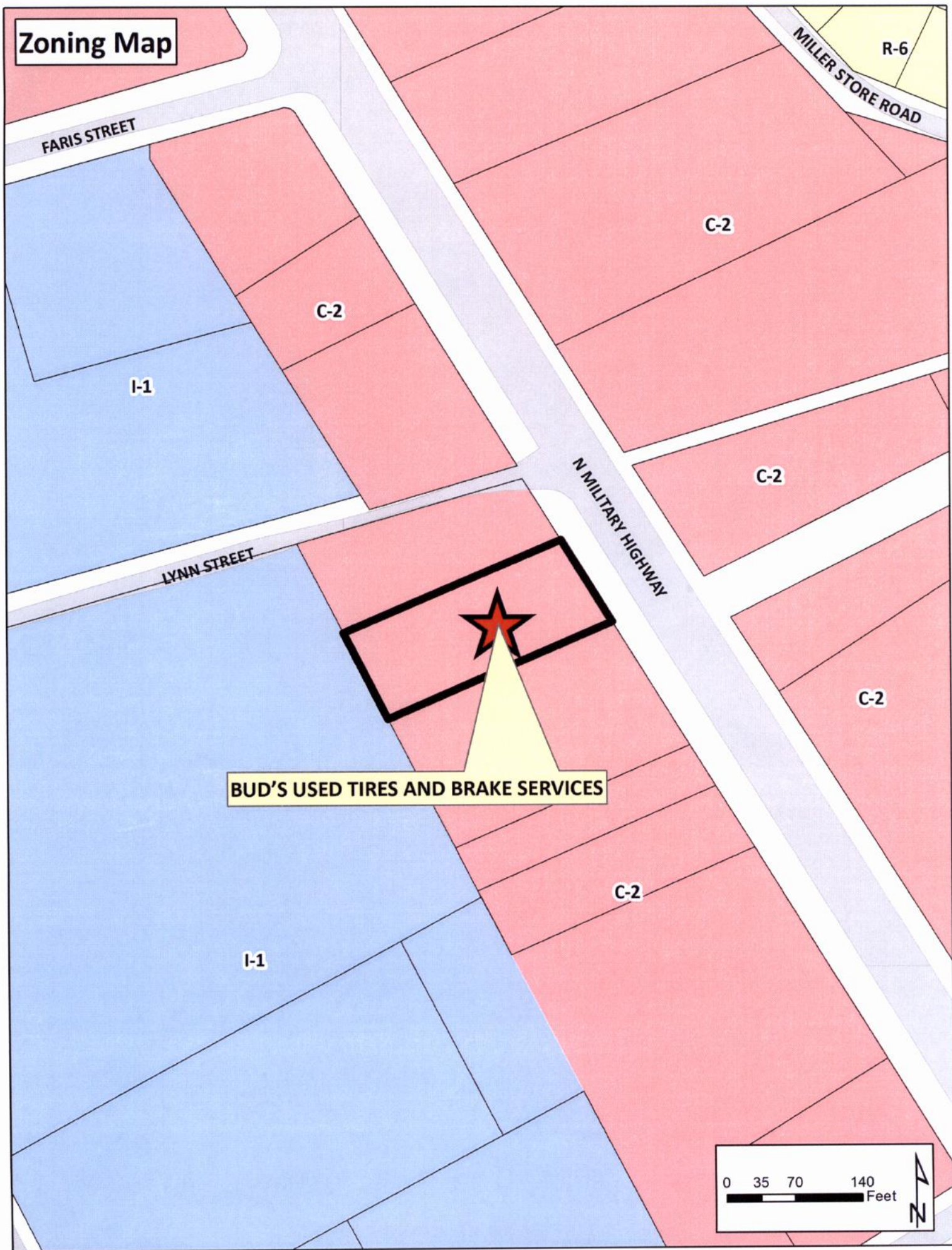
**BUD'S USED TIRES AND BRAKE SERVICES**

0 15 30 60  
Feet



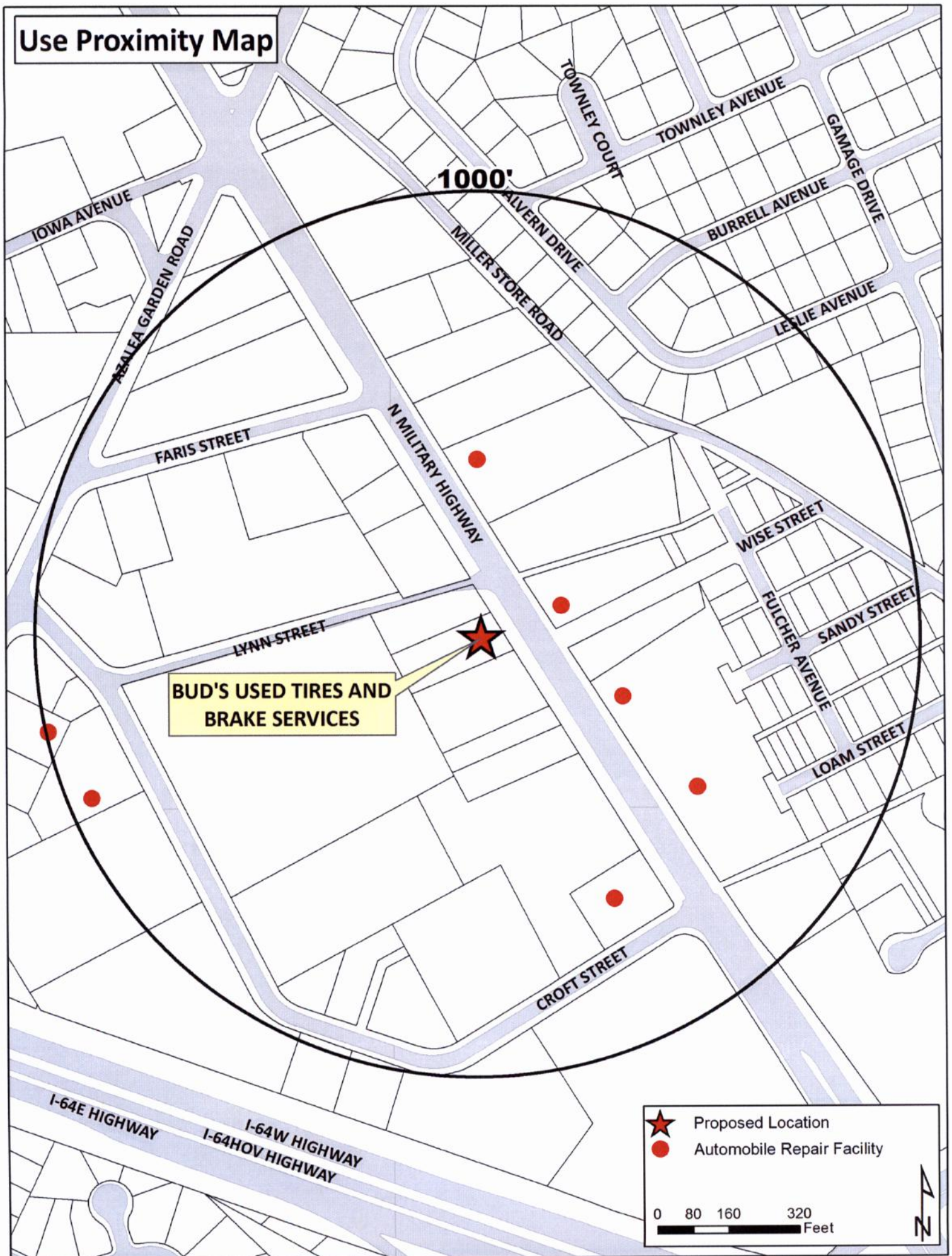


# Zoning Map





# Use Proximity Map







**APPLICATION  
SPECIAL EXCEPTION**

Special Exception for: Automobile Repair

Date of application: \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 3345 (Street Name) NORTH Military Hwy

Existing Use of Property Triangle Rent-A-Car

Current Building Square Footage \_\_\_\_\_

Proposed Use Auto Repair

NO PAINTING

Proposed Square Footage \_\_\_\_\_

Proposed Hours of Operation:

Weekday	From	<u>8 AM</u>	To	<u>6 PM</u>
Friday	From	<u>8 AM</u>	To	<u>6 PM</u>
Saturday	From	<u>8 AM</u>	To	<u>6 PM</u>
Sunday	From	<u>9 AM</u>	To	<u>4 PM</u>

Trade Name of Business (If applicable) Bud's Used Tires AND Brake Services

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

COOK ENTERPRISES LLC

1. Name of applicant: (Last) COOK (First) CECIL (MI) A

Mailing address of applicant (Street/P.O. Box): 8008 Ardmore Rd

(City) NORFOLK (State) VA (Zip Code) 23518

Daytime telephone number of applicant (757) 7183704 Fax ( ) \_\_\_\_\_

E-mail address of applicant: VA-FRIEND-CINDY@YAHOO.COM

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of <sup>AGENT</sup> applicant: (Last) MARTIN (First) BRAD (MI) D.

Mailing address of applicant (Street/P.O. Box): 1060 LYNNHAVEN Pkwy, Suite 111

(City) VA. BEACH (State) VA (Zip Code) 23452

Daytime telephone number of applicant (757) 689-4840 Fax (757) 689-4841

E-mail address of applicant: BRAD@MARTINCIVIL.COM

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Elder (First) Ken + Jodie (MI) \_\_\_\_\_

Mailing address of property owner (Street/P.O. box): 3611 ORAL DRIVE

(City) ALEXANDRIA (State) VA (Zip Code) 22305

Daytime telephone number of owner ( ) \_\_\_\_\_ email: \_\_\_\_\_

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**CIVIC LEAGUE INFORMATION**

Civic League contact: \_\_\_\_\_

Date(s) contacted: \_\_\_\_\_

Ward/Super Ward information: \_\_\_\_\_

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Ken Elder Sign: Ken Elder  
Judie Elder (Property Owner or Authorized Agent of Signature) 7/21/2015 (Date)

Print name: [Signature] Sign: 7, 3, 15  
(Applicant) (Date)

**ONLY NEEDED IF APPLICABLE:**

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Authorized Agent Signature) (Date)

**CIVIC LEAGUE INFORMATION**

Civic League contact: KNOWITALL2001@HOTMAIL.COM

Date(s) contacted: 7/3/15 via EMAIL

Ward/Super Ward information: \_\_\_\_\_

**CERTIFICATION:**

**I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:**

Print name: \_\_\_\_\_ Sign: 1 / 1 / \_\_\_\_\_  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Phil Cook Sign: \_\_\_\_\_  
(Applicant) (Date) 7/3/15

**ONLY NEEDED IF APPLICABLE:**

Print name: [Signature] Sign: BAD MARTIN 7 / 10 / 15  
(Authorized Agent Signature) (Date)



NOW OR FORMERLY  
THE HERTZ CORPORATION

7' CHAIN LINK FENCE W/BARBED WIRE TOP  
N27°17'14"W 100.00'

BLOCK WALL  
WOOD SHED  
8.3'  
12.4'  
12.4'

VIRGINIA STATE PLANE COORDINATE SYSTEM,  
SOUTH ZONE, NAD 1983  
(1993 HARN ADJUSTMENT)

ASPHALT  
PARKING LOT

PARCEL  
D-2

NOW OR FORMERLY  
SHIRLEY POSTON GRUBB, et al  
N66°46'16"E 244.19'

20.2'  
20.2'  
24.1'  
24.0'  
24.2'

1 STORY FRAME  
BUILDING  
#3345

25' BUILDING LINE  
(M.B. 43, PG. 86)

100.00'

7' CHAIN LINK FENCE W/BARBED WIRE TOP  
KEY DEPOSIT POST

S31°54'44"E 99.90'

N. MILITARY HIGHWAY  
(120' R/W)

LYNN STREET  
(VARIABLE WIDTH R/W)

PARCEL D-1  
(M.B. 43, PG. 86)

S66°32'43"W 252.20'  
7' CHAIN LINK FENCE W/BARBED WIRE TOP

COMMONWEALTH OF VIRGINIA  
7-9-2015  
EDWARD F. RUDIGER, JR.  
Lic. No. 1698  
LAND SURVEYOR

PHYSICAL SURVEY OF  
PARCEL D-2,  
SUBDIVISION OF PARCEL 'D'  
AS SHOWN ON PLAT ENTITLED RESUBDIVISION OF PART OF LOT 6  
C.B. MILLER PLAT (M.B. 16, PG. 92)  
3345 N. MILITARY HIGHWAY  
NORFOLK, VIRGINIA  
FOR  
CECIL COOK

AMERICAN  
Engineering

American Engineering Associates - Southeast, P.A. Inc.  
3351 Stonehenge Road  
Virginia Beach, VA 23452  
757-468-6800

AMERICAN ENGINEERING - BY:

*[Signature]*

Date	Project	Scale	Drawn By	Source	Drawing Path Name, Layout
07/09/15	V15090	1"=20'	JPP	M.B. 43, PG. 86	VA1510901 Surveys 15090 Phys Surv 11x17.dwg, 001

FIRM# 0405001994